

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Special Agent James Martin, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since 2017. I am currently assigned to the ATF Boston Field Division, Manchester, New Hampshire Field Office, and charged with investigating criminal offenses involving the federal firearms, explosives, arson, alcohol, and tobacco diversion laws.

2. I am a “Federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant.

3. While training to become a Special Agent, I attended the Federal Law Enforcement Training Center in Glynco, GA full-time for six-and-a-half months. During my time at FLETC, I received training in practices and methods of illegal firearm possessors, firearm traffickers, and related federal criminal statutes. Prior to becoming an ATF Special Agent, I was a Federal Air Marshall for eleven years. Over the course of my law enforcement career, I have conducted and/or participated in a number of investigations involving state and federal firearm and controlled substance violations. I have interviewed multiple victims, sources of information, witnesses, suspects, and defendants regarding various types of criminal activity. I have also served search warrants for various crimes and have made criminal arrests for firearm and controlled substance violations. I participated in state and federal investigations involving possession of illegal weapons including firearms, improvised explosive devices and

possession of controlled substances. I also conducted numerous investigative stops and probable cause searches of people and vehicles. I participated in physical surveillance operations and participated in the execution of state and federal arrest warrants.

4. I have probable cause to believe that evidence of a crime, fruits of a crime, and contraband and instrumentalities of violations of 18 USC § 922(g)(3), Possession of a Firearm and Ammunition by an Unlawful User of a Controlled Substance, and 18 USC § 922(j) Possession of a Stolen firearm will be found in a 2016 Audi (VIN # WAUDGA001135) bearing NH registration BLKOUT, which is currently being stored at Concord NH Police Department, 35 Green Street, Concord, NH 03301.

5. The facts set forth in this affidavit are based on my own personal knowledge and information provided by other law enforcement officers, records, documents, and from statements of individuals associated with and knowledgeable about the affairs of subjects of this investigation. Because this affidavit is presented for the limited purpose of setting forth probable cause for the requested search warrant, I have not necessarily included every fact known to me through this investigation.

RELEVANT STATUTES

6. Under 18 U.S.C. § 922(g)(3) it is unlawful for any person “who is an unlawful user of or addicted to any controlled substance” to “possess in or affecting commerce, any firearm or ammunition” or to “receive any firearm or ammunition which has been shipped or transported in interstate commerce.”

7. Under 18 USC § 922(j) it is unlawful for any person to knowingly possess a stolen firearm which has previously been shipped or transported in interstate commerce.

PROBABLE CAUSE

8. On April 3, 2022, at approximately 4:52 AM, Goffstown NH Police Department received a call from Emilio Risoni, an employee of Bellemore Property Services located at 18 Lamy Drive in Goffstown, NH, of a suspected burglary in progress.

9. Goffstown, NH Police immediately responded to the area and noted that the rear door of RTD Manufacturing had been forcibly opened and burglarized. “RTD Mfg” is a Federal Firearms Licensee with FFL No. 6-02-011-07-5D-01938.

10. Based upon a review of the RTD Manufacturing security cameras, it appears that on April 3, 2022, at approximately 4:44 AM, a male suspect wearing a zippered long-sleeve hooded jacket (which may be made of a semi-transparent material with contrasting-colored zippers including a vertical zippered pocket on the left chest), pants, sneakers, a balaclava, and glasses (or sunglasses), used a large crowbar to gain access to the rear door of RTD Manufacturing located at 18 Lamy Drive, unit #5, in Goffstown, NH. The suspect moved through the manufacturing section of the business and went into the retail firearms sales portion of the business where the suspect proceeded to steal twenty-one firearms, including a machinegun and a silencer (both of which are also governed by the National Firearms Act). The suspect then left the FFL via the rear door. The suspect then returned and re-entered RTD Manufacturing via the rear entrance empty-handed, retrieved the large crowbar, and stole at least one additional firearm accessory. The suspect then left RTD Manufacturing again via the rear door tripping and falling once on his way out of the manufacturing area of the FFL.

11. The owner of RTD Manufacturing, Anthony Hook, provided the following list of twenty-one stolen firearms:

	MANUFACTURER	MODEL	CALIBER	TYPE	SERIAL NUMBER
1	FMK FIREARMS	AR-1 EXTREME	MULTI	RECEIVER/FRAME	FMK53050
2	GLOCK GMBH	19GEN5	9mm	PISTOL	BUPZ494
3	GLOCK GMBH	20GEN4	10mm	PISTOL	BVXW268
4	GLOCK GMBH	34GEN3	9mm	PISTOL	BUZL697
5	GLOCK GMBH	43X	9mm	PISTOL	BUVK581
6	GLOCK GMBH	43X	9mm	PISTOL	BVWR282
7	GLOCK GMBH	45	9mm	PISTOL	BUVL439
8	GLOCK GMBH	45	9mm	PISTOL	BUWS847
9	GLOCK INC.	34GEN 5	9mm	PISTOL	BTFF841
10	GLOCK INC.	42	380	PISTOL	AFRW021
11	GLOCK INC.	21GEN4	45	PISTOL	AGFC680
12	HS PRODUKT	XD9 SUB COMPACT	9mm	PISTOL	BA205959
13	MOSSBERG	MC2SC	9mm	PISTOL	007679MA
14	SMITH & WESSON	M&P 9	9mm	PISTOL	HSF6657
15	SMITH & WESSON	M&P 9	9mm	PISTOL	HUR4121
16	RTD MFG	RT-15	MULTI	RECEIVER/FRAME	RTM-00192
17	CHARTER ARMS	PIT BULL	9mm	REVOLVER	21F11120
18	CHARTER ARMS	UNDERCOVER LITE	38	REVOLVER	21L13952
19	TAURUS ARMS	856	38	REVOLVER	ACM604974
20	RTD MFG	RT-15	5.56	RIFLE	RTM-00136
21	SILENCERCO LLC	OCTANE	45	SILENCER	OCT4515748

12. Further review of the RTD Manufacturing security cameras video showed that the suspect was seen on the exterior video in both the front and rear of the store prior to the burglary for approximately three to four minutes with and without the long crowbar he used to forceable gain access to RTD Manufacturing. In addition, the suspect appears to be wearing a smart watch on his left wrist that also appears to be illuminated as if he has the flashlight function of the smart watch activated. I also know that the face of a smart watch illuminates more visibly on an infrared capable camera such as those equipped at RTD Manufacturing.

13. On June 13, 2022, Ryan WOODS was indicted by a Federal Grand Jury for a violation of 18 USC 922(u)- Theft of a Firearm from a Federal firearm Licensee.

14. One June 21, 2022, Concord Police Officer John Zavala observed a black, 2016 Audi S4, bearing NH Registration BLKOUT, registered to Ryan WOODS stopped and running on the street in front of his address in Concord, New Hampshire.

15. Officer Zavala learned from Sergeant Jonathan Kulik that WOODS was being sought on an active warrant by the U.S. Marshal's Service stemming from an investigation by the Bureau of Alcohol, Tobacco, and Firearms for the crime of theft of a firearm.

16. I have learned that Officer Zavala approached the driver's side window on foot and knocked to get the operators attention. As I understand it, Officer Zavala noted a slight pause and then WOODS opened the driver door all the way open and revealed himself as the only person inside the vehicle. WOODS had a soft sided square pouch on his lap which he immediately placed on a large cooler on the front passenger side seat and away from Officer Zavala's sight as if to hide it from Officer Zavala. Officer Zavala, based upon his training and experience, believed the pouch to be typical of a "works bag" which is used by drug users to keep their drugs and paraphernalia. Next to WOODS right leg on the center console area, sat a small black lockable hard sided case which Officer Zavala, based upon his training and experience, believed to be the type of case used by drug users and vendors to keep their drugs and paraphernalia under lockable security.

17. Officer Zavala saw that WOODS was bleeding from a small break in skin on his right inner forearm near his elbow fold which appeared to be where a needle had pierced. Officer Zavala knew WOODS to be an illegal drug abuser from reading his record of previous police interactions. Officer Zavala asked WOODS if he was shooting drugs. WOODS stated that

he was not shooting drugs and added that he doesn't do drugs anymore.

18. Officer Zavala placed WOODS in handcuffs and took him into custody. WOODS implored Officer Zavala to please allow him to touch the rear passenger side door handle with his finger and he began to pull toward the closed door. Officer Zavala allow WOODS to touch it and the vehicle automatically locked its doors. Officer Zavala believed that this behavior was not typical of a person wanting his car secured. In his experience, the arrested person would typically simply ask me to lock his car for them.

19. Upon searching WOODS person, prior to securing him in the patrol car, Officer Zavala found two containers containing a grayish brown powdery substance which he believed to be Fentanyl. The containers were one clear small jar containing the suspected Fentanyl and a small square metal box which also appeared to contain the same substance. Both drug containers were found by Officer Zavala in WOODS's front left side shorts pocket. Officer Zavala secured these containers as evidence against him and charged him for a felony level crime against the Controlled Drugs Act (NH RSA 318-B:2).

20. After having secured WOODS in the patrol car, Officer Zavala walked up to the Audi and looked through the windshield inside of the car. Officer Zavala saw in the center console an elongated glass vial with a black cap which appears to contain a white powdery substance that appears to be the illegal drug methamphetamine. Officer Zavala wrote "Through my experience and training I have learned that this type of vial is used by illegal drug users to keep their powdery drugs such as powdered methamphetamine so that it can slide out easily without sticking to the inside of the container". Officer Zavala also saw a Smoking Buddy canister between the passenger front door and the passenger seat which through his training and experience has learned that this is typically used to smoke marijuana.

21. Officer Zavala also saw a water pipe on the passenger side floorboard which through his training and experience has learned that this used to smoke marijuana. Officer Zavala also saw what appears to be a torch lighter on the floorboard of the front passenger side. Officer Zavala have learned that this type of high heat torch is necessary to conduct the amount of heat necessary to vaporize certain illegal drugs for smoke ingestion.

22. Officer Zavala also saw in the rear seat area between the driver and front passenger seat a GLOCK handgun. Officer Zavala saw on the passenger seat what appears to be a hard sided cooler or box that has a sticker on it that says, “dime bags”. This is a slang term for packages of ten dollars’ worth of marijuana and this type of stickers are used by persons pedaling street level amounts of illegal drugs to advertise their sales activity to potential buyers. Concord Police seized the vehicle pending application of a search warrant.

23. On June 27, 2022, Concord Police obtained and executed a State Search Warrant (716 Motor Vehicle 06272022) on the 2016 Audi A4, which was operated and owned by WOODS. Concord Police located a Glock, model 19GEN4, caliber 9mm bearing serial #BUPZ494, in the passenger compartment the vehicle. The Glock firearm was check in NCIC. The Glock firearm was in NCIC as a stolen firearm.

24. ATF Special Agent John Cook confirmed the Glock firearm was stolen from Federal Firearms Licensee with FFL No. 6-02-011-07-5D-01938. On April 3, 2022.

CONCLUSION

25. I submit that this Affidavit supports probable cause for a warrant to search the 2016 Audi (VIN # WAUDGA001135) bearing NH registration BLKOUT, which is currently being stored at Concord NH Police Department, 35 Green Street, Concord, NH 03301, as described in Attachment A and seize items described in Attachment B, believed to be evidence

of the violations committed by WOODS.

26. I hereby swear under oath that the information set forth in this Affidavit is true and correct to the best of my knowledge, information, and belief.

/s/ James Martin
James Martin
Special Agent
ATF

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1

by telephone, this 29th day of June 2022.

Andrea K. Johnstone



Honorable Andrea K. Johnstone
United States Magistrate Judge
District of New Hampshire

ATTACHMENT A
Property to be Searched

The property to be searched is a 2016 Audi (VIN # WAUDGA001135) bearing NH registration BLKOUT, which is currently being stored at Concord NH Police Department, 35 Green Street, Concord, NH 03301, pictured below.



ATTACHMENT B

Items to be seized

1. A Glock, model 19GEN4, caliber 9mm bearing serial #BUPZ494;
2. All firearms and ammunition, and other evidence pertaining to the possession of firearms or ammunition, including gun cases, ammunition magazines, holsters, spare parts for firearms, firearms cleaning equipment; photographs of firearms or persons in possession of firearms; records, receipts, or documents indicating the purchase, repair, receipt, sale or possession of firearms, ammunition, and firearms equipment; canceled checks and other financial records evidencing the purchase, receipt, sale or possession of firearms; receipts or documents indicating other storage locations; receipts or documents indicating other storage locations; pagers, cellular telephones or other data recording devices located on the property, photographs, letters,
3. Evidence, including documents and records, that establish the persons who have control over the vehicle searched and from which evidence is seized, such as: personal mail, telephone records, checkbooks, personal identification, notes, other correspondence, utility bills, rent receipts, keys, and vehicle registration information